

the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, Part 180 is amended as set forth below.

Dated: February 5, 1979.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))).

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Section 180.342 is amended by alphabetically inserting almonds, almond hulls, apples, pears, plums (fresh prunes) and sugar beet tops at 0.05 ppm; sugar beet roots at 0.2 ppm; and sweet potatoes at 0.1 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

Commodity:	Parts per million
Almonds.....	0.05
Almonds, hulls.....	0.05
Apples.....	0.05
Beets, sugar, roots.....	0.2
Beets, sugar, tops.....	0.05
Pears.....	0.05
Plums (fresh prunes).....	0.05
Sweet potatoes.....	0.1

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[6560-01-M]

[FRL 1057-1; OPP-300017A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption from Requirement of a Tolerance for an Inert Ingredient in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient 1,2-benzisothiazolin-3-one. The proposal was submitted by ICI United States. This regulation permits the use of the exempted ingredient in pesticide products.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington DC (202-426-2680).

SUPPLEMENTARY INFORMATION:

On October 19, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 48658) to amend 40 CFR 180 by exempting from tolerance requirements the inert ingredient 1,2-benzisothiazolin-3-one in pesticide formulations of O,O-diethyl O-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation under provisions of Section 4(e) of the Federal Food, Drug, and Cosmetic Act. No requests for referral to an advisory committee were received by the Agency with regard to this notice.

Two comments were received in response to the notice. One comment corrected the formulation "O,O-diethyl O-(2-diethylamino-6-methyl-4-pyrimidinyl)" to read "5-butyl-2-(ethylamino)-6-methyl-4(3H)pyrimidinone" and "1,3-Benzisothiazolin-3-one" in the proposed regulation to read "1,2-Benzisothiazolin-3-one." The other comment requested that the restrictions limiting 1,2-Benzisothiazolin-3-one to use in 5-butyl-2-(ethylamino)-6-methyl-4(3H)pyrimidinone when applied to melons at no more than 0.1 percent of the formulation be removed.

After consideration of the comments and evaluation of the data, the Agency has determined that the corrections should be made as indicated but that the restrictions should not be removed because a broader use of 1,2-benzisothiazolin-3-one will require additional information not available at this time. Therefore, until such time as the additional information has been received and evaluated, it is concluded that the exemption from the requirement of a tolerance should be established as proposed in the FEDERAL REGISTER of October 19, 1978, with corrections and that the amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before March 12, 1979, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street, SW., Washing-

ton, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, Part 180, Subpart D, is amended as set forth below.

Dated: February 5, 1979.

(Sec. 408(c), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(c))).

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, subpart D, is amended by adding the new section 180.1044 to read as follows:

§ 180.1044 1,2-Benzisothiazolin-3-one; exemption from the requirement of a tolerance.

1,2-Benzisothiazolin-3-one is exempt from the requirement of a tolerance when used as a preservative-stabilizer in formulations of 5-butyl-2-(ethylamino)-6-methyl-4 (3H) pyrimidinone when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation.

[FR Doc. 79-4395 Filed 2-7-79; 8:45 am]

[6560-01-M]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 1040-7]

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

Clarification of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Clarification of effluent guideline limitations.

SUMMARY: This notice is to clarify the scope and intent of the provisions governing storm water which were promulgated as part of the effluent guideline limitations for the Ore Mining and Dressing Point Source Category on July 11, 1978 (43 FR 29771). Its purpose is to make it clear that those provisions do not apply to diffuse storm water and runoff, but apply only to point source discharges. The agency believes this clarification to be necessary because, after promulgation of the regulations, it was brought to EPA's attention that the provisions are capable of being inter-

preted in a manner not consistent with their intent.

DATE: The regulations in this part were effective on July 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Barry S. Neuman, Office of General Counsel, Water and Solid Waste Division (A-131), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0753.

On July 11, 1978, effluent guideline limitations were promulgated for the Ore Mining and Dressing Point Source Category. 43 FR 29771 (1978). With respect to the Base and Precious Metals Subcategory established thereunder, these regulations provide, in part:

"There shall be no discharge of process waste water from mines and mills which employ dump, heap, in situ or vat-leach processes for the extraction of copper from ores or ore waste materials [in net evaporation areas]. 43 FR at 29775, § 440.22(a)(3) (1978).

The regulations also contain a provision of general applicability that:

"Any excess water, resulting from rainfall or snowmelt, discharged from facilities designed, constructed and maintained to contain or treat the volume of water which would result from a 10-year 24 hour precipitation event shall not be subject to the limitations set forth in 40 CFR 440." 43 FR at 29777-78, § 440.81(c) (1978).

The term "ten-year 24-hour precipitation event" is defined, in turn, as:

"the maximum 24-hour precipitation event with a probable re-occurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, 'Rainfall Frequency Atlas of the U.S.,' May 1961, and subsequent amendments, or equivalent regional or rainfall probability information developed therefrom." 43 FR at 29778, § 440.82(d).

After the promulgation of the regulations, it was suggested that the above provisions are ambiguous in several respects, and that, when the provisions are read together, they may be interpreted in a manner not consistent with their intent. This clarification is intended to remove such ambiguity.

The regulations are not intended to require the operator to collect and contain diffuse storm runoff which would not otherwise be collected in or does not otherwise drain into a point source. Rather, the regulations are concerned with water that has been collected. For example, the regulations would apply to process water, impregnated with metal values, that the operator has collected in holding facilities after application to the leach dump. The regulations require that water containing such contaminated leach solutions not be discharged.

The regulations also are meant to apply to storm precipitation and runoff which may, on occasion, drain into or be channeled to the holding facility, and commingle with the leach solution. The regulations govern storm precipitation and runoff which enters such a holding facility, and it is in this context that the 10-year 24-hour storm provision applies.

Taken together, then, the regulations are intended to require that, if a holding facility in which contaminated leach solution is held is designed, constructed and maintained to hold a volume of water equal to (1) all process water applied by the operator to an active leach area plus (2) a volume of storm water which, during a 10-year 24-hour storm event, falls on the area which drains into such holding facility and precipitates directly on such facility, then any excess water discharged from the holding facility as a result of the rainfall or snowmelt is not subject to the no-discharge requirement and may be discharged.

A question has also been raised with respect to the interrelationship of the 10-year 24-hour storm provision and effluent limitations governing mine drainage set forth at 43 FR at 29775, § 440.22(a)(1).

The term "mine drainage" is defined as "any water drained, pumped or siphoned from a mine." 43 FR at 29778, § 440.82(c) (1978). The term "mine" is defined as:

"an active mining area, including all land and property placed upon, under or above the surface of such land, used in or resulting from the work of extracting metal ore from its natural deposits by any means or method * * * Id.; § 440.82(b).

"Active mining area", in turn, is defined as:

"A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted * * * Id., § 440.82(a).

Thus, the regulations distinguish between active mining areas and areas where leaching activities are carried on.

Under the regulations, mine drainage is intended to include all water which contacts an "active mining area * * *" and which naturally flows into a "point source"—that is, a discernible, confined and discrete conveyance—or is collected in, or channeled or diverted to, a point source as a result of acts of the mine operator. All water which contacts an "active mining area * * *" and either does not flow, or is not channeled by the operator, to a point source, is considered runoff, and it is not the regulations' intent to require the mine operator to collect and treat such runoff.

This requirement, however, must also be read in conjunction with the

10-year 24-hour storm provision set forth at § 440.81(c). If an impoundment, holding or treatment facility is designed, constructed and maintained to contain or treat the volume of mine drainage which would result from a 10-year 24-hour precipitation event, excess water discharged from such facility as a result of rainfall or snowmelt is not subject to the regulations. Again, "mine drainage" as used in the preceding sentence means water which contacts an "active mining area * * *" and either flows, or is diverted or channeled by the operator to, a point source.

Thus, the regulations were and are not intended to require the mine operator to collect and treat diffuse runoff which contacts an "active mining area * * *" and is not presently discharged from or collected in a point source.

The foregoing explanation applies to the requirements of the promulgated effluent limitations; the appropriate permitting authority, of course, retains the authority, under various provisions of the Clean Water Act, to impose more stringent requirements. In addition, storm runoff not covered by these regulations may be subject to the provisions of Section 304(e) of the Clean Water Act.

For further information contact: Barry S. Neuman, Office of General Counsel, Water and Solid Waste Division (A-131), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0753.

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

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[6820-24-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-229]

PART 101-25—GENERAL

Subpart 101-25.3—Use Standards

ACQUISITION AND USE OF ELECTRIC TYPEWRITERS

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation requires agencies to establish definitive policies, procedures, and limitations for the acquisition and use of electric typewriters to ensure that agencies procure only the lowest priced electric